

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF TX
2002 DEC -2 PM 3:01
CLERK, U.S. BANKRUPTCY
COURT
BY _____ DEPUTY

IN RE:

JANICE ELAINE WILLIAMS

CASE NO. 02-92340
CHAPTER 13

DEBTOR

OBJECTION TO ALLOWANCE OF PROOF OF CLAIM #5
FILED BY HUNTINGTON STATE BANK

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUESTS FOR HEARING. THE COURT WILL THEREAFTER SET A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

JANICE ELAINE WILLIAMS, the above named Debtor, objects to the allowance of the Proof of Claim #5, attached as Exhibit "A", of HUNTINGTON STATE BANK filed herein the amount of \$3,638.92, upon the following grounds.

1. This is a Chapter 13 case filed July 8, 2002.
2. On or about August 16, 2002, HUNTINGTON STATE BANK, Claimant, filed a Proof of Claim for \$3,638.92, alleging a security interest in a 2001 Yamaha ATV, as described in the Proof of Claim.
3. Debtor would show that the value of the collateral is \$3,190.00 and unsecured as to the balance of the creditor's claim.

WHEREFORE, JANICE ELAINE WILLIAMS, Debtor, prays that said claim of HUNTINGTON STATE BANK in the amount of \$3,638.92 be allowed as a secured claim in the amount of \$3,190.00 and the balance be treated as a general unsecured claim, and that she have such and further relief as is just.

DATE: December 2, 2002

Respectfully submitted,

ALLEN T. GREGORY
P.O. Box 160
NEDERLAND, TX 77627
(409) 722-6003

BY: Allen T. Gregory
ALLEN T. GREGORY
TBA No. 08430900
ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Objection to Allowance of Proof of Claim #5 filed by Huntington State Bank and Order Sustaining Debtor's Objection to Proof of Claim #5 filed by Huntington State Bank has this 2nd day of December 2002, been mailed by Regular U.S. Mail to Mr. Michael Gross, Trustee, P.O. Box 7097, Tyler, Texas 75711, to Janice Elaine Williams, Debtor, Rt. 7 Box 3910, Lufkin, Texas 75904, to James W. King, Attorney at Law, Offerman & King, L.L.P., 6420 Wellington Place, Beaumont, Texas 77706, to John P. Dillman, Attorney at Law, Linebarger Goggan Blair Pena & Sampson, LLP, P.O. Box 3064, Houston, Texas 77253-3064, and to Huntington State Bank, P.O. Box 1090, Huntington, Texas 75949. This service complies with Local Rules of Bankruptcy Procedure 9013(f).

Allen T. Gregory
ALLEN T. GREGORY